

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DEPOMED, INC.

Plaintiff/Counterclaim-Defendant,

v.

IMPAK LABORATORIES, INC.,
PAR PHARMACEUTICAL COMPANIES, INC., and
PAR PHARMACEUTICAL, INC.

Defendants/Counterclaimants.

C.A. No. 3:12-CV-02154 JAP (TJB)

(CONSOLIDATED for pretrial purposes
with C.A. No. 3:12-CV-1358
and C.A. No. 3:12-CV-2813)

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DEC 17 2012

AT 8:30
WILLIAM T. WALSH M
CLERK

**STIPULATION AND ORDER OF DISMISSAL OF PAR PHARMACEUTICAL
COMPANIES, INC., AND PAR PHARMACEUTICAL, INC.**

WHEREAS, Defendants Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc. (collectively, "Par") have amended ANDA No. 203757 to remove the certification under 21 U.S.C. § 355(j)(2)(A)(vii)(IV) with respect to U.S. Patent Nos. 6,340,475, 6,488,962, 6,635,280, 6,723,340, 7,438,927, 7,731,989, 8,192,756, and 8,252,332 and are no longer seeking FDA approval of ANDA No. 203757 prior to the expiration of those patents;

WHEREAS, Par has amended ANDA No. 203757 to state a certification under 21 U.S.C. § 355(j)(2)(A)(vii)(III) with respect to U.S. Patent Nos. 6,340,475, 6,488,962, 6,635,280, 6,723,340, 7,438,927, 7,731,989, 8,192,756, and 8,252,332 and is no longer seeking FDA approval of ANDA No. 203757 prior to the expiration of those patents;

WHEREAS, as a result of the foregoing, Plaintiff Depomed, Inc. ("Depomed" or "Plaintiff") is willing to dismiss without prejudice its claims for infringement in the foregoing action and to forego the right, if any, to collect any attorneys' fees or costs;

WHEREAS, as a result of the foregoing, Par is willing to dismiss without prejudice its counterclaims for non-infringement and invalidity in the foregoing action and to forego the right, if any, to collect attorneys' fees or costs;

NOW, THEREFORE,

1. It is hereby stipulated and agreed pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(c) that all claims, counterclaims, and affirmative defenses between Plaintiff and Par are dismissed without prejudice, each party to bear its own costs, disbursements, and attorney fees; and
2. Par and Plaintiff submit and consent to the jurisdiction of this Court for purposes of and to enforce this stipulation, and to adjudicate or resolve any disputes regarding its terms, interpretation, application, or requirements.

SO STIPULATED:

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Dated: December 17, 2012

ORDER

IT IS SO ORDERED THIS 17 day of Dec, 2012.


HONORABLE JOEL A. PISANO
UNITED STATES DISTRICT JUDGE